

CITY OF MORGAN HILL

## MEMORANDUM

To: PLANNING COMMISSION

Date: November 14, 2006

From: COMMUNITY DEVELOPMENT DEPARTMENT

Subject: Zoning Amendment ZA-06-15: Monterey-Azar

**REQUEST** Proposal to rezone a 0.93 acre parcel from CO (Administrative Office) to CG (General Commercial) located on the west side of Monterey Road between Spring and Cosmo Avenues (APN 767-17-051).

### **RECOMMENDATION**

Environmental Assessment:

Actions were reviewed as part of Master Environmental Impact Report for the 2001 General Plan update.

Application, ZA-06-02:

Adopt a resolution recommending City Council approval of a change in zoning designation to General Commercial

Processing Deadline:

N/A – The Permit Streamlining Act does not apply to legislative acts.

### **BACKGROUND**

The 0.93 acre parcel, located on the west side of Monterey Road between Spring and Cosmo Avenues, currently includes a marked, restaurant and parking on the northerly half of the lot, while the southerly half is undeveloped. Surrounding land uses include a small grocery store to the north, a vacant lot to the south, a single-family residential neighborhood across Butterfield Channel to the west, and a gas station and vacant lot across Monterey Road to the east. The properties located on the west side of Monterey Road north of the subject parcel have a Commercial General Plan designation and are zoned CG (General Commercial), while the properties to south of have a Non-Retail Commercial General Plan designation and are in the

process of being rezoned from CO (Administrative Office) to CL-R (Light Commercial Residential).

During the 2001 General Plan Update, the General Plan Task Force recommended that this property, as well as other properties on the west side of Monterey Avenue up to Spring Avenue include a Non-Retail Commercial designation. At the City Council hearings, the applicant requested that his property include a Commercial designation. Recognizing that commercial uses exist, the City Council agreed to extend the Commercial designation on the west side of Monterey down to and including the Azar property. No changes were made to the CO zoning designation for the subject parcel during the General Plan Update hearings.

The applicant has indicated that he has no plans for additional development on the property at this time.

## **CASE ANALYSIS**

### **Rezoning**

The CG (General Commercial) zone is the companion zoning district to the Commercial General Plan land use designation. The proposed rezoning from CO (Administrative Office) to CG (General Commercial) would allow for consistency between the General Plan designation and zoning for the property. Since both retail and restaurants are permitted in the CG district, the rezoning would also allow the existing uses on the site, which are not allowed in the CO district, to become conforming.

### **Environmental Review**

A Master Environmental Impact Report was certified for the 2001 General Plan update (GP MEIR). CEQA Section 21157.1 allows for use of a Master EIR (MEIR) for subsequent projects if it can be determined that the subsequent projects were described as being within the scope of the MEIR, the City was the lead agency, and an Initial Study is prepared to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the MEIR. An Expanded Initial Study has been prepared for the proposed rezoning, and it documents that the GP MEIR was prepared in accordance with the requirements of Section 21157 of the Public Resources Code (CEQA), with the intention of providing for substantial reduction of the environmental review of subsequent projects that are consistent with the General Plan. Zoning activities consistent with the General Plan, and carried out in accordance with applicable regulations and procedures, were specifically identified as the type of subsequent projects and implementation tools that were declared to be within the scope of the GP MEIR. The zoning amendments are consistent with the city's General Plan and the GP Master EIR will be used, and no further EIR or Negative Declaration is required. The Expanded Initial Study documents the determination that it is not necessary or feasible to incorporate any of the General Plan MEIR mitigation measures or other alternatives for the proposed rezoning. In accordance with CEQA, public notice was provided of the city's intent to use the GP MEIR for the zoning amendments.

**RECOMMENDATION**

The proposed rezoning request can be supported since it is consistent with the General Plan as discussed above. Staff recommends that the Commission forward a recommendation to the City Council to rezone the subject parcel, by adopting the attached resolution.

**Attachments:**

1. Resolution Recommending City Council Approval of the Rezoning





**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF ZONING AMENDMENT APPLICATION NO. ZA-06-02: MONTEREY – AZAR TO AMEND THE ZONING DESIGNATION FROM CO (ADMINISTRATIVE OFFICE) TO CG (GENERAL COMMERCIAL) ON A 0.93-ACRE PARCEL (APN 767-17-051) LOCATED ON THE WEST SIDE OF MONTEREY ROAD BETWEEN SPRING AND COSMO AVENUES.**

**WHEREAS**, such request was considered by the Planning Commission at their regular meeting of November 14, 2006, at which time the Planning Commission recommended approval of application ZA-06-15: Monterey – Azar; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:**

- SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.
- SECTION 3.** The Planning Commission hereby finds: A Master Environmental Impact Report was certified for the 2001 General Plan update (GP MEIR). CEQA Section 21157.1 allows for use of a Master EIR (MEIR) for subsequent projects if it can be determined that the subsequent projects were described as being within the scope of the MEIR, the City was the lead agency, and an Initial Study is prepared to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the MEIR. An Expanded Initial Study has been prepared for the proposed rezoning, and it documents that the GP MEIR was prepared in accordance with the requirements of Section 21157 of the Public Resources Code (CEQA), with the intention of providing for substantial reduction of the environmental review of subsequent projects that are consistent with the General Plan. Zoning activities consistent with the General Plan, and carried out in accordance with applicable regulations and procedures, were specifically identified as the type of subsequent projects and implementation tools that were declared to be within the scope of the GP MEIR. The zoning amendments are consistent with the city's General Plan and the GP

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**SECTION 4.** The Planning Commission hereby recommends approval to amend the zoning designation from CO (Administrative Office) to CG (General Commercial) as shown on the attached zoning plat (Exhibit "A").

**PASSED AND ADOPTED THIS 14<sup>th</sup> DAY OF NOVEMBER, 2006, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSTAIN: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

**ATTEST:**

**APPROVED:**

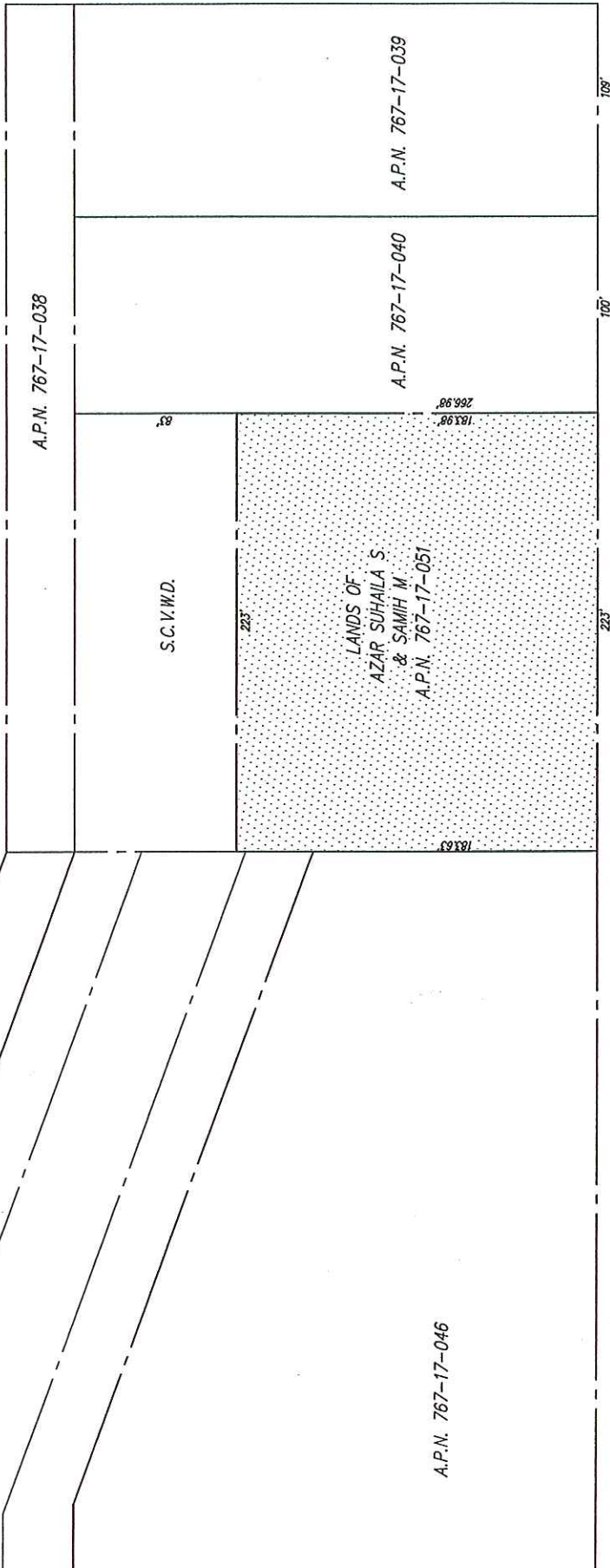
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**FRANCES O. SMITH, Deputy City Clerk**

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**ROBERT J. BENICH, Chair**

LANDS OF: AZAR SUHAILA S & SAMIH M  
16715 MONTEREY ROAD  
MORGAN HILL



MONTEREY ROAD

ZA-06-15: MONTEREY-AZAR

SCALE: NTS

**EXHIBIT : REZONING PLAT**  
TO THE CITY OF MORGAN HILL  
FROM CO TO CG RPD

**MH engineering Co.**  
18075 Vineyard Boulevard  
Morgan Hill, CA 95037

|               |              |
|---------------|--------------|
| DATE 09/20/06 | SHEET 1 OF 1 |
| DRAWN BY: KBK | JOB #26192   |

